

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, December 7, 2016 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 9:00 AM. Members of the Town Board present were Councilmember's J. Paul Shear, Christopher Greene, Robert Geiger, and Peter DiCostanzo. Other Town Officials present were, Assistant to the Supervisor Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat and Highway Superintendent James Dussing.

Former Supervisor Anne Case was present and thanked the Town Board, Town Engineer Lavocat and everyone that was involved for their insight, foresight and courage to see the Police & Court Building develop. During her tenure she had three projects that she worked on including the Clarence Public Library, Youth Court and a police facility. She was able to see the library come to fruition during her term. She has since seen Youth Court evolve and now the police and court facility. She further stated that this is a wise and economical investment for the town.

### **Supervisor Patrick Casilio**

Motion by Supervisor Casilio, seconded by Councilman Greene to approve the following transfers from the 2016 Budget:

\$2,726.00 from Account #001.1220.0100 Personal Services - Supervisor to Account #001.1010.0100 Personal Services – Town Board

\$230.00 from Account #001.1620.0403 Shared Services – Uniforms, Shirts & Shoes to Account #001.1620.0100 Shared Services – Personal Services

\$1000.00 from Account #001.1220.0470 Supervisor Expense & Travel to Account #001.1620.0450 Shared Services – Maintenance of Buildings & Grounds. Upon roll call Ayes: All; Noes: None. Motion carried.

Supervisor Casilio will have two items to discuss in Executive Session regarding the employment history of an individual and the proposed acquisition of real property.

The Organizational Meeting will be January 4<sup>th</sup>, 2017. Officials will be sworn in before the meeting.

Supervisor Casilio attended the Discover Main Street meeting, there was discussion about planting trees along Main Street between the sidewalk and the curb. Grant Writer Bernie Rotella seems to think money will become available for replacing diseased Ash Trees. Town Engineer Lavocat stated that we would most likely not be able to do this as part of the sidewalk replacement project since it is a bonded project under the NYS DOT. It would have to be done as a separate project and permits would have to be obtained from the DOT. We would need to find out how they feel about adding trees within their right-of-way. Mr. Lavocat will contact the DOT regarding the placement of trees along Main Street.

### **Town Engineer Tim Lavocat**

Town Engineer Lavocat gave a year-end report on the Police and Court facility budget. They started out with a Bond of \$6.8 million dollars. Within that budget, he broke out four separate line items to accomplish the project. Professional Fees (design teams, management, surveys etc.) – budgeted amount of \$725,000. By contract we are at \$665,525 - 92% of budget allocated. The biggest line item is construction, this includes the four prime contracts that were awarded. We had a budgeted amount of \$5.168 million. By contract (the contracts that were awarded under the four primes) we are at \$4,819,464. - 93% of budget allocated. Project Expenses is a backend expense which includes

insurances, bonding, furnishing, equipment, legal etc.) these expenses come at the back end when we provide equipment and furniture for the interior. The last items are the Contingencies, they budgeted 7% of the construction budget for contingencies which comes out to \$365,000. To date, we have used \$115,442 of that budget or 32%. This number includes two Change Orders that will be presented at the next Town Board meeting. Financially the project is healthy and we have a comfortable budget to work with. The building is out of the ground and approximately half way through the project.

We also have some credits and incentives through NYSERDA that will come out towards the end of the project.

### **Councilman Peter DiCostanzo**

Motion by Councilman DiCostanzo, seconded by Councilman Geiger upon the request of Albert Weber, Assessor, to approve Jessica Viola to attend the NYS Assessor's Association Continuing Education one-day seminar, "Senior Citizens and the Enhanced STAR Exemptions" on December 2, 2016 in Rochester, NY including the use of a town vehicle and reimbursement for any necessary and reasonable expenses from the town. On the question: the cost of the seminar is \$140.00 and is budgeted for. This motion is being made as the request was made too late for the November 16, 2016 Town Board meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to authorize Supervisor Patrick Casilio to sign the 2016-2019 Snow Removal and Ice Control Agreement between the County of Erie and the Town of Clarence. This Agreement shall be reviewed annually for modification in accordance with the terms and conditions of the Agreement. The term of the Agreement is from September 1, 2016 through August 31, 2019. The agreement will be on file in the Office of the Town Clerk of the Town of Clarence. Reimbursements will be made to the Town according to the schedule attached to said agreement. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo attended the Discover Main Street meeting last night, there was a full committee and very good discussion among the members. The committee put a lot of thought into what they would like to see along the different sectors of Main Street. They will be putting forth a draft plan for public review.

Sean Hopkins will be giving a training seminar at the Planning Board meeting this evening relative to SEQRA.

### **Councilman Robert Geiger**

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to authorize Supervisor Patrick Casilio to sign the yearly Inter-Municipal Agreement between the Town of Clarence and the Town of Newstead for 2017 relative to the shared use of the Erie County Van. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Chamber of Commerce is planning a New Year's Day 5k race for 2018, it will take place in Clarence Hollow.

The Senior Center had a presentation on the History of Aviation. Councilman Geiger encouraged the Board to attend some of these programs.

### **Councilman Christopher Greene**

Motion by Councilman Greene, seconded by Councilman Shear to encumber funds in the 2016 Budget as follows:

\$5,070.00 from Account #001.1680.0479 Computer Services to Account #001.1680.0479 Computer Services 2017 Budget line for purchase order #55570 for final

payment on Springbrook Payroll/Accela. On the question: this is for purchase order #55570 – Springbrook Payroll/Accela. This final payment will be made in 2017 and will be ready to go-live in February of 2017. Upon roll call – Ayes: All; Noes: None. Motion carried.

There was an incident at Meet in the Center over the weekend regarding a resident, a restaurant owner and a delivery truck. Councilman Greene stated that there is not sufficient parking on the east side of Goodrich Road from Clarence Center north nor are there any signs. The Erie County Sheriffs were called and indicated that this is a persistent problem with deliveries to the restaurant and the blocking of traffic. Several months ago, a fire truck was blocked trying to respond to a fire call. Councilman Greene suggested posting a “Delivery Zone” in front of the restaurant (Gertie’s). There is a similar situation in front of Clarence Center Coffee Company. Supervisor Casilio stated that this is a police matter but suggested directing all deliveries onto Clarence Center Road next to the Emporium.

### **Councilman Paul Shear**

Councilman Shear has information from Leonard Anderson about converting the land behind Bank of Akron into a municipal parking lot.

Councilman Shear will present a budget transfer from Planning and Zoning Office at the next Town Board meeting.

Per the Association of Towns, a solar energy system is “real property” once it has been permanently affixed to land or a structure and is taxable unless it qualifies for an exemption. There is an exemption statute that applies specifically to solar energy systems: Section 487 of the Real Property Tax Law which also covers wind power systems and farm waste energy systems. It generally provides a 15-year exemption from real property taxation for the increase in value resulting from the installation of a qualifying system. In order to opt out of the §487 exemption, the town would have to adopt a local law, ordinance or resolution indicating that the exemption shall not be available. Municipalities that take no action one way or the other, the exemption is in effect. If a municipality does not opt out, it leaves the exemption in place thus qualifying solar energy systems constructed in the municipality exempt from taxation for a period of 15 years. The municipality has the option to require the owners of such systems to enter into contracts to make payments in lieu of taxes (PILOTs).

### **Highway Superintendent James Dussing**

There is a bid opening at 10:00 AM today for two new tandem trucks.

Brush pickup ended November 23<sup>rd</sup> however leaf pickup continues.

The Highway Department provides a tire drop off for residents however some people are taking advantage of this services by dropping off large trailer loads of used tires.

The snow storm predicated for this week appears to be well south of us. The storm off of Lake Ontario will produce possibly 1 – 2 inches in Niagara – Orleans County. The town plows/salters are ready for this winter season.

Superintendent Dussing invited the Town Board to his departments Christmas luncheon on December 22<sup>nd</sup>.

There are several sidewalk issues along Transit Road. Superintendent Dussing has been going back and forth with the NYS DOT as to what the Town's responsibility is - town code states the property owner is responsible for maintenance of the sidewalk.

The Town of Lancaster adopted a resolution calling upon NYS Legislature to pass a bill to amend the tax code to allow taxpayers to claim credits for treating and removing trees infected by the Emerald Ash Borer. Supervisor Casilio questioned whether this would come out of income tax and not town tax. Councilman DiCostanzo stated that it would come out of income tax. He suggested doing a similar resolution to show the Town was supporting the Town of Lancaster's resolution. Supervisor Casilio would like to be sure the tax credit would come off of income tax.

Supervisor Casilio stated that he would like to move forward with a resolution in support of bringing Uber (On-line Transportation Company. The Uber app automatically calculates the fare and transfers the payment to the driver) to Buffalo and not wait for the County or the State.

The Town Board reviewed the Organizational meeting items.

Motion by Supervisor Casilio, seconded by Councilman Geiger to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person; § 105(1) H the proposed acquisition of real property. Upon roll call - Ayes: All; Noes: None.

The Work Session adjourned at 10:50 AM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Councilman Greene, seconded by Councilman Geiger to adjourn the Executive Session at 11:53 AM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.